

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UBS AG, STAMFORD BRANCH,

Plaintiff,

- v -

HEALTHSOUTH CORP.,

Defendant.  
-----X

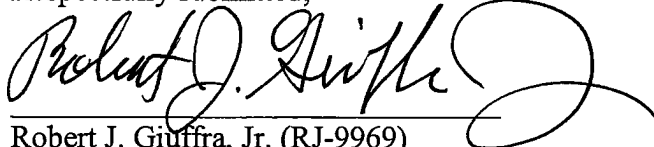
:  
:  
: Civil Action No. 07 CV 8490 (LAP)  
: ECF Case  
:

: **NOTICE OF MOTION FOR**  
: **SUMMARY JUDGMENT**  
:  
:

PLEASE TAKE NOTICE that upon the annexed Declaration of David J. Kalal, dated December 17, 2007, the exhibits attached thereto, the annexed Rule 56.1 Statement of Material Facts As to Which There Is No Genuine Issue To Be Tried, and the accompanying Memorandum of Law, Plaintiff UBS AG, Stamford Branch will move this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure, before the Honorable Loretta A. Preska, United States District Judge, in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on March 6, 2008 at 9:00 a.m., for an order granting UBS AG, Stamford Branch summary judgment.

Dated: December 17, 2007

Respectfully submitted,



Robert J. Giuffra, Jr. (RJ-9969)  
Marc De Leeuw (MD-2166)  
SULLIVAN & CROMWELL LLP  
125 Broad Street  
New York, New York 10004  
(212) 558-4000

*Attorneys for UBS AG, Stamford Branch*

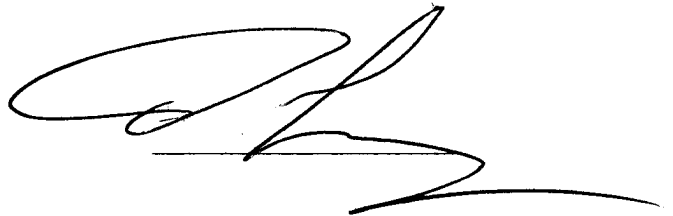
AFFIDAVIT OF SERVICE

STATE OF NEW YORK    )  
  : ss.:  
COUNTY OF NEW YORK )

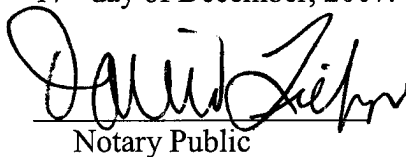
Ian N. Levy, being duly sworn, deposes and says that he is over 18 and not a party to this appeal and that on the 17<sup>th</sup> day of December, 2007, he served true copies of the following documents:

- 1) Notice of Motion for Summary Judgment;
- 2) Memorandum of Law in Support of Motion;
- 3) Declaration of David J. Kalal;
- 4) Exhibits to Declaration of David J. Kalal;
- 5) Local Rule 56.1 Statement,

by hand upon Gregory P. Joseph, Esq., 385 Lexington Avenue, 30<sup>th</sup> Floor, New York, New York 10017.



Sworn to before me this  
17<sup>th</sup> day of December, 2007.

  
Notary Public

**DAVID LIEBOV**  
Notary Public, State of New York  
No. 24-01114519000  
Qualified in Kings County  
Certificate filed in New York County  
Commission Expires January 31, 2011